

1 **BILL NO. 2014-**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE RELATING TO FILMING ACTIVITY WITHIN THE CITY; REPEALING LVMC
4 CHAPTER 11.56, PERTAINING TO FILMING ACTIVITY ON CITY PROPERTY, AND REPLACING
5 THAT CHAPTER WITH A NEW CHAPTER 12.04 TO PROVIDE UPDATED AND MORE
COMPREHENSIVE REGULATIONS REGARDING FILMING ACTIVITY WITHIN THE CITY; AND
PROVIDING FOR OTHER RELATED MATTERS.

6 Sponsored by: Mayor Carolyn G. Goodman

Summary: Repeals and replaces provisions
relating to filming activity within the City.

7
8 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS
9 FOLLOWS:

10 SECTION 1: Title 11, Chapter 56, of the Municipal Code of the City of Las Vegas,
11 Nevada, 1983 Edition, is hereby repealed in its entirety.

12 SECTION 2: Title 12 of the Municipal Code of the City of Las Vegas, Nevada, 1983
13 Edition, is hereby amended by adding thereto a new chapter, designated as Chapter 4, consisting of
14 Sections 10 to 190, inclusive, reading as follows:

15 **12.04.010:** For purposes of this Chapter:

16 “City property” means any real property owned by, leased to or otherwise under the control of the City,
17 including any public right-of way.

18 “Contemporaneous event” means an unplanned happening that is not staged and can only be filmed as the
19 event unfolds.

20 “Fee schedule” means a schedule of fees adopted pursuant to LVMC 12.04.050.

21 “Film administrator” means the Director of Public Works or a designee.

22 “Film liaison” means an employee or agent of the City who is available to assist a permittee in complying
23 with the requirements of this Chapter and coordinating filming activity with the City.

24 “Filming” means and includes all activity incident to the staging or shooting of motion pictures, television
25 programs, commercial still photography, video tapes, or other visual reproduction technology, including
26 any such technology intended to be used in social media. The term includes set-up and strike activity, as

well as actual photography.

“Fire department” means Las Vegas Fire & Rescue.

“Metro” means the Las Vegas Metropolitan Police Department.

“News media filming” means filming for the purpose of spontaneous, unplanned television news reporting by journalist, reporters, photographers or camera operators.

“Non-City property” means real property other than City property.

“Permittee” means the holder of a film permit issued under this Chapter.

“Public right-of-way” means the full width or any portion of any dedicated street, alley or highway, including any public sidewalk.

12.04.020: (A) Except as otherwise provided in this Chapter, a film permit is required for any of the following:

(1) Filming that takes place on City property, or within any airspace located above City property that is not within the jurisdiction of the Federal Aviation Administration.

(2) Filming that takes place on non-City property, if such filming:

(a) Will impact public safety or vehicular or pedestrian traffic on City property;

(b) Has the potential to impact City property; or

(c) Will include the depiction of law enforcement activity, including fight scenes, chase scenes, or the use of actual or simulated weapons.

(3) Filming that includes the use of pyrotechnics, flame, special effects or laser use.

(B) A permit issued under this Section:

(1) Shall be valid for the period specified, unless extended by the film administrator; and

(2) Authorizes filming activities only by the permittee or those acting under the authority or permission of the permittee.

1 **12.04.030:** Except as otherwise specifically provided, the provisions of this Chapter shall not apply to
2 filming by local, national or international news media, or filming for private family use, provided such
3 filming does not disrupt pedestrian or vehicular traffic on public rights-of-way.

4 **12.04.040:** The film administrator:

5 (A) Shall be responsible for the administration of this Chapter.

6 (B) Subject to applicable procedures, is authorized to promulgate further rules and
7 regulations in order to implement this Chapter, taking into account the impact of filming on:

8 (1) City property;

9 (2) Traffic movement and traffic control;

10 (3) Pedestrian traffic; and

11 (4) The public health, safety and convenience.

12 (C) Subject to applicable procedures, is authorized to establish a fee schedule for the
13 use of City property, based upon the impact to City property and resources.

14 **12.04.050:** An application for a film permit must be submitted to the film administrator. The
15 application must include or be accompanied by the following:

16 (A) The name and business address of the film production company or other applicant;

17 (B) The number of the applicant's City business license, if the applicant is engaged in
18 a business activity for which a City license is required;

19 (C) The name of the principal, employee or agent authorized to make decisions on
20 behalf of the applicant, along with a telephone number;

21 (D) The address or location at which the filming is to occur;

22 (E) The dates and times that the filming is proposed to take place;

23 (F) A general statement of the character or nature of the proposed activity, including
24 any props and sets proposed to be used;

25 (G) An estimate of the number and types of vehicles and equipment to be involved in
26 filming;

(H) An estimated number of cast and crew;
(I) A description of any proposed special effects or laser usage;
(J) A description of the nature and types of any pyrotechnics proposed to be used;
(K) A statement that the applicant, principal, employee or agent will take responsibility for all activities to be conducted under the permit; and

(L) A scene script, if required by the film administrator.

12.04.060: An application for a film permit must be submitted as follows:

(A) At least five business days prior to the proposed commencement of filming.

(B) At least ten business days prior to the proposed commencement of filming, for filming where minor traffic disruptions or the limited use of special effects are proposed.

(C) At least sixty days prior to the proposed commencement of filming, for:

(1) Filming of feature films or television movies;

(2) Filming of elaborate exterior commercial shoots that require significant traffic disruptions or the substantial use of special effects; or

(3) Filming that will significantly impact adjacent properties or will involve the construction of structures.

12.04.070: An applicant for filming described in Subsection (C) of LVMC 12.04.060 must schedule a pre-production meeting with the film administrator before a permit may be issued.

12.04.080: (A) Upon a finding by the film administrator that an application is complete, the film administrator shall consider the information provided in the application, taking into account any recommendations from the fire department, Metro, the City's Traffic Engineering staff, and any other departments or agencies whose operations may be impacted. The film administrator may approve the application and issue a film permit upon a finding that the application conforms to the application-related requirements of this Chapter and that the proposed filming activity does or will be in conformance with the filming-related requirements of the Chapter. The film administrator may make the film permit subject to such conditions as the film administrator deems advisable or appropriate. The film administrator may deny

1 a film permit upon a finding that:

2 (1) The application is incomplete or does not comply with the requirements of
3 this Chapter;

4 (2) The proposed filming activity is not or will not be in conformance with the
5 requirements of the Chapter or the requirements of other provisions of the Municipal Code; or

6 (3) The applicant has committed repeated violations of this Chapter.

7 (B) In the case of the denial of a film permit, the film administrator shall notify the
8 applicant in writing of the denial, along with the reasons therefor. Notification may be made in person, by
9 email or by United States mail to the address provided on the permit application.

10 (C) An applicant may appeal a decision by the film administrator under this Section by
11 filing a notice of appeal with the film administrator within five business days after the decision appealed
12 from. The appeal shall be heard by the City Manager or a designee. The designee may be an independent
13 hearing officer appointed by the City Manager for that purpose.

14 **12.04.090:** (A) Except as provided in Subsection (B), below, a permittee is not required to use the
15 services of a film liaison, but may request such services on the site of a shoot to assist the permittee in
16 complying with the requirements of this Chapter. If a film liaison is provided by the City pursuant to this
17 Subsection (A), the permittee shall be responsible for reimbursing the City in accordance with the fee
18 schedule.

19 (B) The City may require the presence of a film liaison when filming occurs at on City
20 property. In such a case the permittee is not required to reimburse the City the cost of providing a film
21 liaison.

22 **12.04.100:** (A) No filming for which a permit is required under this Chapter or filming of
23 contemporaneous events on public property in the City may take place unless appropriate insurance
24 policies are in place covering such activity.

25 (B) Prior to the issuance of a permit or prior to proceeding with filming described in
26 Subsection (A), the permit applicant or person seeking to film must have first secured such policies of

1 commercial general liability insurance, automobile liability insurance, and worker's compensation coverage
2 as the film administrator may require, and provide satisfactory proof of such coverage.

3 (C) Any policies required by or pursuant to this Section:

4 (1) Must be issued by one or more insurance companies authorized to do
5 business in Nevada, with coverage designated for the premises where the filming will take place, including
6 upon any City property.

7 (2) Must name the City and Metro as additional insureds.

8 (3) Must be maintained in full force and effect during the period of the filming
9 to which they pertain.

10 (D) In order to ensure cleanup and restoration of any filming location that may impact
11 City property, the film administrator may require a permittee to post a performance bond, surety or other
12 comparable form of security in a form and amount to be determined by the film administrator and City
13 Attorney. Any such security shall be returned or released upon completion of filming, cleanup and
14 restoration of property.

15 **12.04.110:** Every permittee shall provide security, at its own expense, where such security is deemed
16 necessary by Metro for traffic control, pedestrian and vehicular, public safety and protection of public
17 property. Metro may require that such security take the form of, and be provided by, Metro officers, in such
18 numbers and types as may be specified by Metro.

19 **12.04.120:** (A) In accordance with Section 322 of the International Fire Code, as adopted and
20 supplemented by the City, the design, construction, operation, and maintenance of permanent and
21 temporary soundstages, production facilities, as well as use of production locations shall comply with
22 NFPA 140 and the provisions of this Section.

23 (B) Special effects, including without limitation laser, fire and flame effects, or
24 pyrotechnics, may not be used without first obtaining a special effects permit from the fire department.
25 Application for such a permit must be made to the fire department at least ten days in advance of the
26 proposed filming. Any special effects permit issued by the fire department will authorize the use of special

1 effects only if in accordance with any conditions placed upon the permit. Any changes to those conditions
2 must first be approved by the fire department. If the fire department conditions a special effects permit on
3 the presence of fire department staff for fire safety purposes, the holder of the special effect permit shall be
4 responsible for paying a fee for that service in accordance with the fire department's approved Permit and
5 Fee Schedule.

6 (C) Independent of any other requirement of this Section, the holder of a film permit is
7 responsible for notifying the fire department, where possible, at least forty-eight hours in advance of any
8 filming in which the presence of the fire department is required.

9 **12.04.130:** In connection with any film permit issued under this Chapter, each permittee shall:

10 (A) Report to the film administrator any changes to the filming dates and times, as well
11 as any material changes to the information provided with the application, and obtain the film
12 administrator's approval before the filming to which the changes pertain.

13 (B) Before filming in residential or commercial areas, notify all residences and
14 businesses within one linear block of the filming in advance. For purposes of this requirement, "in
15 advance" means at least forty-eight hours, whenever possible. Such notification shall be on forms
16 prescribed by the film administrator and will include the dates and hours of the filming, the proposed use of
17 special effects or pyrotechnics, if any, and the expected interruption of traffic flows. The permittee shall
18 make every effort possible to ensure the least amount of disruption to residents, visitors and business
19 interests within and surrounding the location of the filming.

20 (C) Before filming on private property, secure permission from the owners or
21 inhabitants of such property.

22 (D) Maintain on the filming premises for the duration of the filming the film permit,
23 together with corresponding attachments and conditions.

24 (E) Leave City property in at least as good a condition as before the filming
25 commenced. Any costs incurred by the City to return City property to such condition shall be assessed
26 against the permittee.

1 **12.04.140:** In connection with filming to take place on City property, the film administrator may
2 require a permittee to enter into an appropriate agreement with the City, specifying the terms and
3 conditions for the use of City property and an appropriate fee.

4 **12.04.150:** As an alternative to a criminal prosecution for the violation of any provision of this
5 Chapter, the City may treat the violation as a civil violation and proceed in accordance with the provisions
6 of LVMC 6.02.400 to 6.02.460, inclusive.

7 **12.04.160:** This Chapter may be enforced:

8 (A) By the Las Vegas Metropolitan Police Department, the Department of Public
9 Works, or any department or function of the City specifically assigned to its enforcement by the City
10 Manager; and

11 (B) By means of either a criminal prosecution or a civil proceeding in accordance with
12 the provisions of LVMC 6.02.400 to 6.02.460, inclusive. In the case of a civil proceeding, any reference to
13 the "Department" in LVMC 6.02.400 to 6.02.460, inclusive, shall pertain to the department or function
14 assigned to enforce this Chapter.

15 **12.04.170:** A film permit may be revoked by the film administrator at any time when such revocation
16 is deemed necessary to protect the public health and safety or to protect property from imminent harm.

17 **12.04.180:** At any time during which filming is taking place that would require a film permit under
18 this Chapter, whether or not a permit has been obtained, any officer or employee of a department or
19 function assigned to the enforcement of this Chapter may request any person engaged in filming to identify
20 himself or herself and to produce evidence that the filming activity is in compliance with this Chapter. It is
21 a violation of this Chapter to refuse to provide such information or documentation.

22 **12.04.190:** In the case of filming that requires a permit under this Chapter but for which no permit has
23 been obtained, any officer or employee of a department or function assigned to the enforcement of this
24 Chapter, in addition to pursuing any other remedy available under this Chapter, may issue an order to cease
25 and desist the filming activity. It is a violation of this Chapter to refuse to fail or refuse to obey such an
26 order.

1 SECTION 3: Title 12, Chapter 2, Section 30, of the Municipal Code of the City of Las
2 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

3 **12.02.030:** This Chapter does not apply to the following:

4 (A) The sale, offer for sale or solicitation of orders at a temporary event, convention
5 and permanent trade show within an enclosed facility where the attendance is restricted and the general
6 public is not permitted.

7 (B) A musical performance conducted, promoted or staged in a casino, hotel, theater or
8 other permanent performance facility by the owner, operator or lessee of that facility, if:

9 (1) The owner, operator or lessee is otherwise licensed to do business pursuant
10 to the provisions of Title 6.

11 (2) The audience does not exceed a seating capacity of one thousand persons;
12 and

13 (3) A minimum of one security officer employed by a licensed security
14 company per every two hundred persons is employed to supervise the audience.

15 (C) Funeral processions.

16 (D) Students going to and from school classes or participating in educational activities,
17 provided that such conduct is under the immediate direction and supervision of the proper school
18 authorities.

19 (E) Participation by the City or the Las Vegas Convention and Visitor's Authority in a
20 special event, except that the City Manager or designee, in connection with that event, may impose any
21 requirement in this Chapter, or any other reasonable requirement, that is deemed necessary or appropriate
22 for public safety.

23 (F) Filming activity governed by LVMC Chapter 12.04.

24 SECTION 4: If any section, subsection, subdivision, paragraph, sentence, clause or
25 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
26 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or

effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 5: Whenever in this ordinance any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

SECTION 6: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this ____ day of _____, 2014.

APPROVED:

By _____
CAROLYN G. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:

Val Steed, Date
Deputy City Attorney

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the ____
2 day of _____, 2014, and referred to a committee for recommendation, the committee
3 being composed of the following members _____;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2014, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council as first
7 introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11 APPROVED:

12
13 By _____
CAROLYN G. GOODMAN, Mayor

14 ATTEST:

15 _____
16 BEVERLY K. BRIDGES, MMC
City Clerk

17

18

19

20

21

22

23

24

25

26